

HOUSE BILL No. 2109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-12-1.

Synopsis: Vehicles passing school buses. Provides that the owner of a vehicle that does not stop when the arm signal device of a school bus is extended must present evidence to rebut the presumption that the owner committed the violation. Provides that the owner may rebut the presumption by proving that another driver operated the vehicle. Specifies that the owner bears the burden of rebutting the presumption by a preponderance of the evidence.

Effective: July 1, 2001.

Klinker, Mock, Cook, Goodin

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2109

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-21-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person who
3 drives a vehicle that:
4 (1) meets or overtakes from any direction a school bus stopped on
5 a roadway and is not stopped before reaching the school bus when
6 the arm signal device specified in IC 20-9.1-5-14 is in the device's
7 extended position; or
8 (2) proceeds before the arm signal device is no longer extended;
9 commits the offense described in section 9 of this chapter.
10 (b) This section is applicable only if the school bus is in substantial
11 compliance with the markings required by the state school bus
12 committee.
13 (c) There is a rebuttable presumption that the owner of the vehicle
14 involved in the violation of this section committed the violation. **The**
15 **owner of the vehicle must present evidence to rebut the**
16 **presumption to avoid a judgment for a violation constituting an**
17 **infraction under section 9 of this chapter. The owner may rebut the**

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1 **presumption by establishing by a preponderance of the evidence**
2 **that another driver was operating the vehicle and committed the**
3 **violation. The owner bears the burden of rebutting the**
4 **presumption.** This presumption does not apply to the owner of a
5 vehicle involved in the violation of this section if the owner routinely
6 engages in the business of renting the vehicle for periods of thirty (30)
7 days or less.

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